

DEC 20 2006

**BEYER WEAVER & THOMAS, LLP**

INTELLECTUAL PROPERTY LAW

590 W. El Camino Real, Mountain View, CA 94040  
Telephone: (650) 961-8300 Facsimile: (650) 961-8301  
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December 20, 2006

**Receiver:** Examiner Andrew R. Graham  
Art Unit 2644**TEL #:****FAX #:** 571-273-8300**Sender:** Marc S. Hanish, Reg. No. 42,626**Re:** Application No. 09/929,935  
Attorney Docket No. APL1P214/P2664

Pages Including Cover Sheet(s): 4

**MESSAGE:****Enclosed:****Petition for Duplicate Letters Patent (1 pg.)****Declaration of Facts in Support of Petition for Duplicate Letters Patent (2 pgs.)****CONFIDENTIALITY NOTE**

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**BEST AVAILABLE COPY**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: King et al.

Attorney Docket No.: APL1P214/P2664

Application No.: 09/929,935

Examiner: Graham, Andrew R.

Filed: August 15, 2001

Group: 2644

Title: SPEAKER EQUALIZATION TOOL

Confirmation No. 1140

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being transmitted by facsimile to fax number 571-273-8300 to the U.S. Patent and Trademark Office on December 20, 2006.

Signed: \_\_\_\_\_

Agnes Spence

**PETITION FOR DUPLICATE LETTERS PATENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully petition for the issuance of duplicate Letters Patent for the above-identified matter.

A declaration is attached, showing documented pertinent facts by the person having direct knowledge. It will establish that a diligent search was made for recovery of the original Grant.

The Commissioner is authorized to charge the required fees (Petition Fee \$130.00 and Duplicate Letters Patent \$400.00) to Deposit Account No. 50-0388 (Order No. APL1P214). However, since Applicant believes this is a Patent Office error, the Applicants therefore respectfully request that any and all fees related to this request be waived.

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01 FC:1464 130.00 DA  
02 FC:1462 400.00 DA

P.O. Box 70250  
Oakland, CA 94612-0250  
650-961-8300

Respectfully submitted,  
BEYER WEAVER & THOMAS, LLP

Marc S. Hanish  
Reg. No. 42,626

DEC 20 2006

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re application of: King et al.

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**DECLARATION OF FACTS IN SUPPORT OF PETITION FOR  
DUPLICATE LETTERS PATENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This declaration is made as to facts that are relied upon to establish the diligent search for recovery of the original Grant. This declaration is being made by the available person having first-hand knowledge of the facts recited therein.

I, Agnes F. Spence, do hereby declare:

1. That I am an employee of Applicant's attorney, Beyer Weaver & Thomas, LLP
2. That on or after October 25, 2006, patent copies but not the ribbon copy of the Letters Patent for the referenced patent were received in the Mountain View office by courier. Subsequently, I contact the Oakland office regarding the missing Letters Patent and was informed by our Docketing Department that the Letters Patent has not been received from our P.O. Box mail box (address of P.O. Box 70250, Oakland, CA 94612-0250).
3. A search of the Mountain View and Oakland office was performed but the ribbon copies of the Letters Patent was not found.
4. I contacted the Publication Branch of the United States Patent and Trademark Office on December 8, 2006 verifying the address of where the Letters Patent were mailed. I was notified that the Letters Patent were mailed on October 17, 2006.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: \_\_\_\_\_

*Dec. 20, 2004*  
\_\_\_\_\_  
Agnes F. Spence  
Patent Legal Secretary